

**TOWN OF KINDERHOOK  
PLANNING BOARD  
PO Box P, Niverville, NY 12130**

To: Supervisor Douglas K. McGivney  
From: Edwin R. Simonsen, Chairman  
Date: December 27, 2004  
Subject: Suggested Code revisions

Please recall our discussions with the Town Board regarding suggested Code changes. We have discussed these modifications/referrals at our December meetings and unanimously recommend these changes to the Town Board.

Conservation Subdivisions

The remaining open spaces in our town are being subdivided at a remarkable rate. Our experience with developers indicates that if a significant proportion of the shrinking open space is to be preserved, adjustments must occur in our Code. The purpose of these changes are to more adequately comply with the Comprehensive Plan in the preservation of agricultural land, open space, vistas, and mature wood lots. These are some suggestions.

Page 63-2. Section 63-2. Change last sentence for "Conservation Easement" to read, Conservation Subdivisions are required on any parcel of land in the Town of Kinderhook zoned for residential use which is equal to or greater than 12 acres. Change the last sentence for "Conservation Subdivision" to read, For any parcel equal to or more than 12 acres in area, conservation subdivisions are mandatory.

Page 63-21. Section 63-19 D (1). Add the following: Land that is not able to be developed including, but not limited to steep slopes or wetlands, may not be used as part of the calculation for land to be preserved.

Page 63-22. Section 63-19 E. Delete the sentence, "Preserved open space may be included as a portion of one or more lots."

Number of copies submitted-Site visits

The recent site visits by Planning Board Members has demonstrated the value of this approach. To guarantee the availability of sufficient copies for Board members to conduct these visits perhaps the number of copies submitted should be increased from 7 to 10. Additionally, the suggestion was made to modify the application forms for subdivisions, site plan review, and special use permits to include language which grants permission from the applicant for site visits by Planning Board Members.

Page 63-6. Change section 63-5 B to read, Ten copies of the preliminary plat etc.

Page 63-7. Change section 63-6 B to read, Ten copies of the preliminary plat etc.

Page 81-61. Change section 81-27 B to read, A plan for the proposed development of a site shall be submitted along with ten copies of the required plan etc.

Page 81-84. Change section 81-47 B to read, All applications for zoning permits shall be accompanied by ten copies of a plot plan etc.

### Lighting-New Sites

One of our many concerns in the review of commercial site plans is lighting. Typically we look to see that there is no spillage of light to neighboring properties or roadways. In particular we require that the source of light only be visible from the site under review. Driving past many commercial sites in our Town at night one can see numerous sources of light on poles and buildings which are very distracting and potentially dangerous. The following Code revisions are suggested.

Page 81-86. Change section 81-47 C (1) a. Add a [14] Lighting plan showing type, location, and intensity of lights.

Page 81-87. Change section 81-47 C (2). Add a (k) Lighting. Light fixtures should be fully shielded to eliminate glare and off site light. Light intensity shall not exceed an average of 2 footcandles and the light sources shall produce clear white light. Lighting fixtures should be traditional in design. There shall be no uplighting. Parking lot lights shall not exceed 20 feet in total height. Only minimal lighting shall be allowed 1 1/2 hours after closing.

### Lighting-All inclusive

The above recommended Code changes regarding lighting provide regulations for new commercial projects. What follows attempts to address any changes to lighting at existing commercial sites.

Page 81-82. Section 81-36. Add as follows: **Lighting** A. Applicability and purpose. The Town of Kinderhook encourages the use of responsible non-intrusive lighting on commercial sites. B. Standards (1). Light shall not shine off site. (2). Light shall not shine on public roadways. (3) Light sources shall not be visible from off site. (4) Light fixtures shall be fully shielded to eliminate glare and off site light.

### Design Standards

In our review of the proposed townhouses and ultimately the two family dwellings, the question of design standards was raised. With townhouses it would appear they do apply since we determined that they were multifamily dwellings. In the case of two family dwellings they do not appear to apply. If we feel that they should apply what follows is a suggested Code change.

Page 81-77. Section 81-31 B. Revise first sentence to read, Design standards shall be required for all new commercial, townhouses, two family dwellings, and multifamily construction within the Town of Kinderhook.

### CO Issuance-PB input

At the November and December Planning Board meetings we discussed revisions of Section 35-5 F concerning the issuance of a CO for “completed” commercial sites. In order to assure project compliance we are requesting Code modifications which provides for PB review of a “completed” commercial project prior to the issuance of a CO. Attached is the proposed language change to 35-5 F entitled “Duties and powers of Building Official”.

### CO Issuance/Conditional

Please recall that at the joint meeting we discussed the question of the duration of a “temporary” CO. The thought at the time was that it would be desirable to have the ability to issue COs for less than 6 months when there are outstanding unfulfilled conditions. The present thinking is to create a new designation referred to below as “conditional CO”.

Page 35-5. Section 35-10 B. Add the following, A conditional certificate of occupancy may be issued if the building or structure or a portion thereof is sufficiently complete that it may be put to the use for which it was intended. A conditional certificate of occupancy shall expire three (3) months from the date of issuance.

### Telecommunication Towers

The Town Board has retained the services of Monroe Telecom Associates to review and make recommendations regarding Code language changes concerning telecommunication towers. At our December 16<sup>th</sup> meeting we discussed your verbal request of us to review two documents provided by Monroe to your Board. One was titled an “Interim Resolution” while the other is a ‘Local Ordinance Regulating the Siting of Wireless Telecommunication Facilities’. To the best of my recollection none of our Board members had copies of the “Interim Resolution” while some did have copies of the model ordinance. Despite the absence of a formal referral and necessary documents the members did discuss that of which they were aware. We offer the following preliminary comments. No votes were taken on these comments.

1. We respectfully request a formal referral with all pertinent documentation.
2. The document appears to be “cookie cutter” in content
3. The document is overly voluminous.
4. The Code language suggested is readily available from other communities
5. The process described removes this Planning Board from the reviewing process. Is that the Town Boards intent?
6. Under our present Code, the Planning Board may hire experienced consultants paid for by the applicant, as it sees fit to assist the Board in its determination.

Distribution

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